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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,630	10/09/2003	Nicola John Policicchio	8346C	9471

27752 7590 09/28/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,630

Applicant(s)

POLICICCHIO, NICOLA JOHN

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-16 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-16 and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>translation of JP6-311594</u> |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Exemplary of such;

Page 11, line 35, '38' should be replaced with '332' to correspond with the earlier amendment to line 33.

Appropriate correction is required.

2. The abstract of the disclosure is objected to because line 1, 'improved' (both occurrences) should be deleted, line 2, 'said' should be deleted and line 5, 'improved' should be deleted.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 13-15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims fail to further structurally limit the apparatus, rather they define a function of use.

4. Claims 1, 3-7, 9-11 and 29-30 are objected to because of the following informalities: the claims fail to end in a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 1744

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-7, 9-16, and 24-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, line 6, 'the surface' should be replaced with 'a surface'.

Claim 10, line 2, 'of the width' should be deleted.

Claim 12, line 4, 'the surface' should be replaced with 'a floor' to correspond with the preamble;

Line 5, it is unclear as to the structural relationship of the pad to the head and the elevational elements.

Claim 16, line 5, 'the surface' should be replaced with 'a floor' to correspond with the preamble;

Line 5, it is unclear as to the structural relationship of the pad to the head and the elevational elements.

Claim 24, line 1, 'element' should be replaced with 'implement';

Line 3, 'a' should be replaced with 'the'.

Claim 25, line 6, 'the surface' should be replaced with 'a surface'.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1744

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 5, 7, 9-10, 12 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP6-311954.

JP6-311954 discloses a handle (fig. 2, #12).

JP6-311954 discloses a mop head, having a bottom surface, pivotably attached to the handle (fig. 1, #12,13,17).

JP6-311954 discloses at least one elevational element attached to the bottom surface such that the mop is capable of pivoting relative to a surface (figs. 1 & 4, #18,21,22).

JP6-311954 discloses an absorbent pad engaging the cleaning and removably attachable to the head (fig. 1, #20).

With respect to claim 3, JP6-311954 discloses the width of the element is smaller than the width of the head (fig. 1, #17, centermost #20).

With respect to claim 5, JP6-311954 discloses the edges of the elevational element are squared, rounded, angled or smooth or any combination thereof (fig. 1, #18).

With respect to claim 7, JP6-311954 discloses the element is generally compressible (page 7, 0016).

With respect to claims 9, 12 and 16, JP6-311954 discloses a second elevational element attached to the first element (fig. 3, #22s adjacent #18c).

With respect to claim 10, JP6-311954 discloses the width of the second element is smaller than the width of the first element (fig. 3).

Art Unit: 1744

9. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP0370697.

EP0370697 discloses a handle (fig. 1, #3).

EP0370697 discloses a mop head, having a bottom surface, pivotably attached to the handle (fig. 1, #1,2,3).

EP0370697 discloses at least one elevational element attached to the bottom surface such that the mop is capable of pivoting relative to a surface (fig. 1, #4).

EP0370697 discloses an absorbent pad engaging the cleaning and removably attachable to the head (fig. 1, #5).

With respect to claim 3, EP0370697 discloses the width of the element is smaller than the width of the head (fig. 1, #5,1).

With respect to claim 5, EP0370697 discloses the edges of the elevational element are squared, rounded, angled or smooth or any combination thereof (fig. 1, #4).

With respect to claim 7, EP0370697 discloses the element is generally compressible (page 2, lines 38-39).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1744

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 4, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP6-311954.

JP6-311954 discloses a similar implement however fails to disclose certain characteristics.

It would have been obvious to one of ordinary skill in the art to determine most appropriate relative length of the element in JP6-311954 to allow for the most effective surface coverage during cleaning of the surface.

Art Unit: 1744

With respect to claims 6 and 11, it would have been obvious to one of ordinary skill in the art to determine the most appropriate element material and its thickness in JP6-311954 to allow for the most cleaning of a surface.

Allowable Subject Matter

14. Claim 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

15. Claims 26-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Double Patenting

16. Applicant is advised that should claim 12 be found allowable, claim 16 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

17. Claim 25 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 24. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

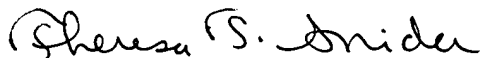
Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey discloses an implement with an elevational element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

9/26/2005